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BUREAU OF REAL ESTATE

By Rosa Rosad

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

JULIO MANUEL DONAIRE,

Respondent.

No. H-38298 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On December 19, 2013, a Decision was rendered in Case No. H-38298 LA revoking the real estate broker license of Respondent effective January 09, 2014.

On January 26, 2015, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

I have considered the petition of Respondent and the evidence submitted in support thereof.

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1 The Bureau has developed criteria in Section 2911 of Title 10, California Code of
2 Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
3 reinstatement of a license. Among the criteria relevant in this proceeding are:

4 Regulation 2911(j) Completion of, or sustained enrollment in, formal educational
5 or vocational training courses for economic self-improvement.

6 Petitioner has offered no evidence of completing formal education courses for
7 economic self-improvement since the revocation of his license.

8 Regulation 2911(l) Significant or conscientious involvement in community,
9 church or privately-sponsored programs designed to provide social benefits or to ameliorate
10 social problems.

11 Petitioner's reinstatement application states that he has not been active in any
12 "social, civic or community groups."

13 Regulation 2911(m) New and different social and business relationships from
14 those which existed at the time of the conduct that is the basis for denial of the Bureau action
15 sought.

16 There is no evidence Petitioner has obtained new and different social and
17 business relationships since engaging in the activity leading to the revocation of his license.

18 Regulation 2911(n) Change in attitude from that which existed at the time of the
19 conduct in question as evidenced by any or all of the following:

20 (1) Testimony of applicant.

21 (2) Evidence from family members, friends or other persons familiar with
22 applicant's previous conduct and with his subsequent attitudes and behavioral patterns.

23 Petitioner has not submitted any evidence from any person regarding any change
24 in his attitudes and behavioral patterns.

25 Respondent has failed to demonstrate to my satisfaction that Respondent has
26 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
27 broker license at this time.

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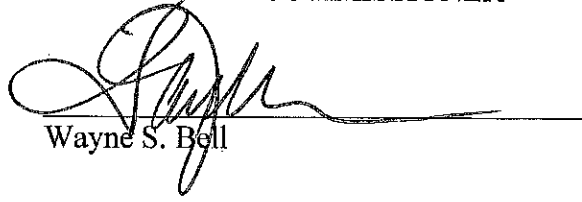
Given the violations found and the fact that Respondent has not established that Respondent has satisfied Regulations 2911(i), (l), (m), and (n), I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate broker license.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of Respondent's real estate broker license is denied.

This Order shall become effective at 12 o'clock noon on FEB 22 2016

IT IS SO ORDERED 1/18/2016

REAL ESTATE COMMISSIONER


Wayne S. Bell